

United States District Court District of Rhode Island  
Civil Action No. CA14-175  
United States v. State of Rhode Island

Status Hearing  
May 2, 2016  
Charles Moseley Ed.D.  
U.S. District Court Monitor

On March 1, 2016 a Joint Motion was filed with the Court requesting a hearing to review the current status of the State's compliance with the Consent Decree's requirements. The Parties jointly determined that a court ordered remedial action plan would facilitate compliance with the Consent Decree. A Court Order, filed on March 3, 2016 required the state to produce a written compliance status report addressing progress across nine key areas by April 1, 2016 and to appear before the court on April 8, 2016 to show evidence of the state's current level of compliance with the Consent Decree. The State prepared and submitted the evidentiary report and presented testimony on April 8, 2016 regarding the progress that the State has made in each of the areas mentioned in the Court Order. The Department of Justice indicated that it did not believe the State was in full compliance with the Consent Decree. The Court Monitor reported that while progress had been made by the State in addressing the provisions of the Court Order, additional steps needed to be taken to fully comply with the terms and conditions of the Consent Decree.

The State is requested to report on its status with respect to compliance with the following activities, provisions and benchmarks:

1. The development of the client database and dashboard to track the status of each member of each Target Population with respect all required services and supports identified in the Consent Decree including, but not limited to: (a) placement in integrated employment, (b) receipt of services resulting in full access to and involvement in integrated community activities, and (c) the receipt of an individualized person-centered career development plan and benefits plan.
2. The unduplicated count and identification of each of the 3,405 individuals comprising each of the Consent Decree's four Target Population Groups.
3. The development and implementation of a new or revised individual resource allocation methodology that fully funds the provision of employment supports and day services in integrated settings to Target Group members to enable them to achieve and maintain employment and community participation consistent with the requirements of the Consent Decree.
4. The completion of the final version of the in-reach outreach education plan. A draft plan was submitted to the Monitor on April 1<sup>st</sup>. The extent to which the plan provides clear

and concise “user friendly” information for people with disabilities and their families regarding:

- a. Individual intake, eligibility determination, resource allocation.
- b. Service planning including needs assessment, person centered career development planning and support coordination.
- c. Community engagement with respect to the Consent Decree, the meaning of the State’s Employment First policy and the focus on community integration.

5. The implementation of Career Development Planning (CDP) statewide:

- a. The State submitted to the Monitor copies of a draft policy, draft format and draft implementation plan for Career Development Planning as required on March 31<sup>st</sup>. Final plans and detailed operational information needs to be provided by the State, including:
  - i. Final state policy regarding career development planning
  - ii. The date(s) for the initial announcement of the new format to providers and families.
  - iii. A detailed plan by which the new CDP format and process will be provided to each Target Group member across all providers according to a time frame, estimates of numbers of individuals affected and a final date at which time CDPs will be in place for all members of each Target Population.
  - iv. A plan for ensuring provider agency staff receive necessary training and support regarding plan implementation.

6. The further development and planned implementation of the Quality Improvement program to include:

- a. The development of measurable standards against which service quality will be determined, including statements of desired outcomes.
- b. The implementation of a process that gathers data on each individual and individual record reviewed to determine the percentage of quality outcomes achieved during the review period and the extent to which the standards are being met by the agency being reviewed. For example, “During this review a sample of 25 of 100 client records were reviewed. Of this sample, 20 of 25 records (80%) of the records contained up to date career development plans that met department quality guidelines.
- c. A summary of programmatic strengths and areas in need of improvement leading to a plan for remediation.